

DISASTER SURVIVORS FAIRNESS ACT OF 2022

NOVEMBER 15, 2022.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. DEFazio, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 8416]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 8416) to improve individual assistance provided by the Federal Emergency Management Agency, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:  
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.  
(a) SHORT TITLE.—This Act may be cited as the “Disaster Survivors Fairness Act of 2022”.

39–006

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Information sharing for Federal agencies.
- Sec. 3. Universal application for individual assistance.
- Sec. 4. Repair and rebuilding.
- Sec. 5. Direct assistance.
- Sec. 6. State-managed housing pilot authority.
- Sec. 7. Management costs.
- Sec. 8. Post-disaster housing study.
- Sec. 9. Funding for online guides for post-disaster assistance.
- Sec. 10. Individual assistance dashboard.
- Sec. 11. FEMA reports.
- Sec. 12. Sheltering of emergency response personnel.
- Sec. 13. Duplication of benefits.
- Sec. 14. GAO report on preliminary damage assessments.
- Sec. 15. Applicability.

(c) DEFINITIONS.—Except as otherwise provided, the terms used in this Act have the meanings given such terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

## SEC. 2. INFORMATION SHARING FOR FEDERAL AGENCIES.

(a) ESTABLISHMENT OF ELECTRONIC INFORMATION SHARING SYSTEM.—

(1) IN GENERAL.—The Administrator of the Federal Emergency Management Agency shall establish and maintain a web-based interagency electronic information sharing system, to be known as “DisasterAssistance.gov”, to—

(A) facilitate the administration of the universal application for Federal disaster assistance established under section 3;

(B) carry out the purposes of disaster assistance programs swiftly, efficiently, equitably, and in accordance with applicable laws, regulations, and the privacy and data protections provided under this section; and

(C) detect, prevent, and investigate waste, fraud, abuse, or discrimination in the administration of disaster assistance programs.

(2) AUTHORITIES OF ADMINISTRATOR.—In establishing and maintaining the electronic information sharing system under this subsection, the Administrator may collect and maintain disaster assistance information received from a disaster assistance agency or an applicant for a disaster assistance program and share such information with any other disaster assistance agency using such electronic information sharing system.

(b) DATA SECURITY.—The Administrator may facilitate the collection of disaster assistance information into the electronic information sharing system established under this section only after the following requirements have been met:

(1) The Administrator certifies that the electronic information sharing system substantially complies with the data security standards and best practices of the National Institute of Standards and Technology.

(2) The Secretary of Homeland Security publishes a privacy impact assessment for the electronic information sharing system, in accordance with section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142).

(3) The Administrator publishes standard rules of behavior for disaster assistance agencies and personnel granted access to disaster assistance information to protect such information from improper disclosure.

(c) COLLECTION AND SHARING OF ADDITIONAL RECORDS AND INFORMATION.—

(1) IN GENERAL.—The Administrator may authorize the collection, maintenance, sharing, and use of additional disaster assistance information by publishing a notice on DisasterAssistance.gov that includes a detailed description of—

(A) the specific amendments to the collection, maintenance, and sharing of disaster assistance information authorized;

(B) why each such amendment to how disaster assistance information is collected, maintained, or shared is necessary to carry out the purposes of a disaster assistance program and consistent with the fair information practice principles; and

(C) the disaster assistance agencies that will be granted access to the additional information to carry out the purposes of any disaster assistance program.

(2) NOTICE AND PUBLICATION REQUIREMENTS.—The publication of a notice under paragraph (1) of a revision to the DisasterAssistance.gov system of records prior to any new collection, or uses, of Privacy Act categories of records, to carry out the purposes of a disaster assistance program with regard to a disaster declared by the President under section 401 or 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170; 5191), shall be deemed to satisfy the notice and publication requirements of section

552a(e)(4) of title 5, United States Code, for the 90-day period beginning on the date on which the publication under paragraph (1) is made.

(3) WAIVER OF INFORMATION COLLECTION REQUIREMENTS.—

(A) IN GENERAL.—Upon the declaration of a major disaster or emergency pursuant to sections 401 or 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170; 5191), the President may direct the Administrator to waive the requirements of subchapter I of chapter 35 of title 44, United States Code, with respect to voluntary collection of information for the duration of such major disaster or emergency.

(B) TRANSPARENCY.—Upon exercising the waiver authority under subparagraph (A), the Administrator shall—

(i) promptly post on a website of the Federal Emergency Management Agency a brief justification for such waiver, the anticipated period of time such waiver will be in effect, and the agencies and offices within the Federal Emergency Management Agency to which such waiver shall apply; and

(ii) update the information relating to such waiver, as applicable.

(4) GAO REVIEW OF WAIVER OF INFORMATION COLLECTION REQUIREMENTS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall issue a report describing the benefits and potential risks associated with authorizing the waiver of the information collection requirements described in paragraph (3).

(B) CONTENTS.—The report required under subparagraph (A) shall include an assessment of the extent to which a waiver described in paragraph (3) would—

(i) affect the paperwork burden for individuals, small businesses, State, local and tribal governments, and other persons;

(ii) affect the consistent application of Federal laws relating to—

(I) privacy and confidentiality;

(II) security of information; and

(III) access to information; and

(iii) encourage or deter a State or other entity from participating in the voluntary collection of information for the duration of a major disaster or emergency.

(d) USE BY OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—The Administrator may permit a Federal agency other than the disaster assistance agencies listed in subparagraphs (A) through (C) of subsection (f)(2) to use the electronic information sharing system established under this section for the purpose of facilitating disaster-related assistance if such agency enters into an agreement containing the terms described in paragraph (2).

(2) AGENCY AGREEMENT.—An agreement between the Administrator and another Federal agency to use the electronic information sharing system established under this subsection shall contain the following terms:

(A) The Federal agency shall—

(i) collect, share, maintain, and use disaster assistance information in compliance with this section and in substantial compliance with the data security standards and best practices of the National Institute of Standards and Technology; and

(ii) train any personnel granted access to disaster assistance information on the rules of behavior established by the Administrator under subsection (b)(3).

(B) In the event of any unauthorized disclosure of disaster assistance information, the Federal agency shall—

(i) notify the Administrator within 24 hours of discovering any such unauthorized disclosure;

(ii) cooperate fully with the Administrator in the investigation and remediation of any such disclosure;

(iii) cooperate fully in the prosecution of a person responsible for such disclosure; and

(iv) assume the responsibility for any compensation, civil liability, or other remediation measures, whether awarded by a judgment of a court or agreed as a compromise of any potential claims by or on behalf of an applicant, including by obtaining credit monitoring and remediation services, for an improper disclosure that is—

(I) caused, directly or indirectly, by the acts or omissions of officers, employees, and contractors of the agency; or

(II) from any electronic system of records that is created or maintained by the agency pursuant to section 552a(e) of title 5, United States Code.

(3) PUBLICATION OF AGENCY AGREEMENT.—The Administrator shall publish an agency agreement entered into under this subsection on the same website as the electronic information sharing system established under this section.

(e) RULE OF CONSTRUCTION.—The sharing of disaster assistance information that is subject to the requirements of section 552a of title 5, United States Code, by disaster assistance agencies shall not—

(1) be construed as a matching program for purposes of section 552a(a)(8) of such title; or

(2) be subject to the remaining computer matching provisions of section 552a of such title.

(f) DEFINITIONS.—In this section:

(1) APPLICANT.—The term “applicant” means—

(A) a person who applies for disaster assistance from a disaster assistance program; and

(B) a person on whose behalf a person described in subparagraph (A) has applied for disaster assistance.

(2) DISASTER ASSISTANCE AGENCY.—The term “disaster assistance agency” means—

(A) the Federal Emergency Management Agency;

(B) the Department of Housing and Urban Development;

(C) the Small Business Administration;

(D) the Department of Agriculture; and

(E) any other Federal agency that the Administrator permits to use the electronic information sharing system under subsection (d).

(3) DISASTER ASSISTANCE INFORMATION.—The term “disaster assistance information” includes any personal, biographical, geographical, and financial information that a disaster assistance agency is authorized to collect, maintain, share, or use to process an application for disaster assistance or otherwise carry out a disaster assistance program.

(4) DISASTER ASSISTANCE PROGRAM.—The term “disaster assistance program” means—

(A) any program that provides assistance to individuals and households under title IV or title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.); and

(B) any other assistance program carried out by a disaster assistance agency that provides assistance to an individual, household, or organization related to a major disaster or emergency declared under sections 401 or 501 of such Act, including—

(i) disaster assistance, long-term disaster recovery, post-disaster restoration of infrastructure and housing, post-disaster economic revitalization, and pre-disaster mitigation under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.);

(ii) any loan that is authorized under section 7(b) of the Small Business Act (15 U.S.C. 636(b)); and

(iii) the distribution of food benefit allotments as authorized under section 412 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5179) and section 5(h) of the Food Stamp Act of 1977 (7 U.S.C. 2014(h)).

### SEC. 3. UNIVERSAL APPLICATION FOR INDIVIDUAL ASSISTANCE.

(a) UNIVERSAL APPLICATION.—The Administrator of the Federal Emergency Management Agency shall develop and establish a universal application for Federal disaster assistance for individuals in areas impacted by emergencies or disasters.

(b) CONSULTATION AND SUPPORT.—

(1) CONSULTATION.—In carrying out this section, the Administrator shall consult with the following:

(A) The Director of the Office of Management and Budget.

(B) The Administrator of the Small Business Administration.

(C) The Secretary of Housing and Urban Development.

(D) The Secretary of Agriculture.

(2) SUPPORT.—The entities described in paragraph (1) shall provide prompt support to the Administrator.

(c) SURVEY.—The application established under subsection (a) shall include a voluntary survey to collect the demographic data of an applicant.

(d) GAO ASSESSMENT ON IDENTITY THEFT AND DISASTER FRAUD IN DISASTER ASSISTANCE PROGRAMS.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct an assessment of improper and potentially fraudulent Federal disaster assistance for individuals made to victims of major disasters declared in 2020 and 2021, including through identity theft; and

(2) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that describes—

(A) the prevalence of improper and potentially fraudulent Federal disaster assistance for individuals made to registrants who used invalid information to apply for disaster assistance, including through identity theft;

(B) the number of disaster victims whose claims for Federal disaster assistance for individuals were denied due to another individual filing a fraudulent application using their personal identifying information;

(C) the adequacy of existing fraud prevention protocols in place on the Federal Emergency Management Agency’s online application for Federal disaster assistance for individuals; and

(D) recommendations for improving the identity verification protocols in place for Federal disaster assistance for individuals.

#### SEC. 4. REPAIR AND REBUILDING.

(a) IN GENERAL.—Section 408(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(b)(1)) is amended—

(1) by striking “rendered uninhabitable” and inserting “damaged by a major disaster”; and

(2) by striking “uninhabitable, as a result of damage caused by a major disaster” and inserting “damaged by a major disaster”.

(b) HAZARD MITIGATION.—Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) is amended—

(1) in subsection (c) by adding at the end the following:

“(5) HAZARD MITIGATION.—

“(A) IN GENERAL.—The President may provide financial assistance to individuals and households, whose primary residence, utilities, or residential infrastructure are damaged by a major disaster, for cost-effective hazard mitigation measures that reduce threats to life and property, or future damage to such residence, utilities, or infrastructure in future disasters.

“(B) RELATIONSHIP TO OTHER ASSISTANCE.—A recipient of assistance provided under this paragraph shall not be required to show that the assistance can be met through other means, except insurance proceeds.”; and

(2) in subsection (h)—

(A) in paragraph (1) by inserting “, financial assistance for hazard mitigation under subsection (c)(5)(A),” after “subsection (c)(1)(A)(i)”; and

(B) by adding at the end the following:

“(5) HAZARD MITIGATION.—The maximum financial assistance any individual or household may receive under subsection (c)(5) shall be equivalent to the amount set forth in paragraph (1) with respect to a single major disaster.”.

#### SEC. 5. DIRECT ASSISTANCE.

(a) IN GENERAL.—Section 408(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)) is further amended by striking paragraph (2) and inserting the following:

“(2) REPAIRS.—

“(A) FINANCIAL ASSISTANCE FOR REPAIRS.—The President may provide financial assistance for the repair of owner-occupied private residences, utilities, and residential infrastructure (such as a private access route) damaged by a major disaster, or with respect to individuals with disabilities, rendered inaccessible by a major disaster.

“(B) DIRECT ASSISTANCE FOR REPAIRS.—

“(i) IN GENERAL.—The President may provide direct assistance to individuals and households who are unable to make use of financial assistance under subparagraph (A) and when there is a lack of available resources, for—

“(I) the repair of owner-occupied private residences, utilities, and residential infrastructure (such as a private access route) damaged by a major disaster, or with respect to individuals with disabilities, rendered inaccessible by a disaster; and

“(II) eligible hazard mitigation measures that reduce the likelihood and future damage to such residences, utilities, and infrastructure.

“(ii) ELIGIBILITY.—A recipient of assistance under this subparagraph shall not be eligible for assistance under paragraph (1), unless otherwise determined by the Administrator.

“(C) RELATIONSHIP TO OTHER ASSISTANCE.—A recipient of assistance provided under this paragraph shall not be required to show that the assistance can be met through other means, except insurance proceeds.”.

(b) STATE- OR INDIAN TRIBAL GOVERNMENT-ADMINISTERED ASSISTANCE AND OTHER NEEDS ASSISTANCE.—Section 408(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(f)) is amended—

(1) by striking “subsections (c)(1)(B), (c)(4), and (e)” each place it appears and inserting “paragraphs (1)(B), (2)(B), and (4) of subsection (c) and subsection (e)”; and

(2) in paragraph (3)(A) by striking “subsection (c)(1)(B), (c)(4), or (e)” and inserting “paragraph (1)(B), (2)(B), or (4) of subsection (c) or subsection (e)”.

#### SEC. 6. STATE-MANAGED HOUSING PILOT AUTHORITY.

Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) is amended—

(1) in subsection (f)(3)—

(A) by striking subparagraph (F);

(B) by redesignating subparagraphs (G), (H), (I), and (J) as subparagraphs (F), (G), (H), and (I), respectively; and

(C) in subparagraph (I), as so redesignated—

(i) in clause (ii) by striking “Not later than 2 years after the date of enactment of this paragraph, the” and inserting “The”; and

(ii) in clause (iii) by striking—

(I) “2 years after the date of enactment of this paragraph or” and

(II) “, whichever occurs sooner”; and

(2) in subsection (g)—

(A) in paragraph (1) by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”; and

(B) by adding at the end the following:

“(3) DISASTER ASSISTANCE.—In the case of assistance provided under subsections (c)(1)(B), (c)(2)(B), and (c)(4), the Federal share shall be not less than 75 percent.”.

#### SEC. 7. MANAGEMENT COSTS.

Section 324(b)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165b(b)(2)(C)) is amended by adding at the end the following:

“(C) INDIVIDUAL ASSISTANCE.—A grantee under section 408(f) may be reimbursed not more than 12 percent of the total award amount under each such section.

“(D) CRISIS COUNSELING ASSISTANCE, TRAINING, AND CASE MANAGEMENT SERVICES.—A grantee and subgrantee, cumulatively, may be reimbursed not more than 15 percent of the total amount of the grant award under either section 416 or 426.”.

#### SEC. 8. POST-DISASTER HOUSING STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall—

(1) conduct a study and develop a plan under which the Agency will address the challenges associated with providing housing assistance to survivors of major disasters or emergencies, including circumstances in which—

(A) the presence of multiple families within a single household; and

(B) the near loss of a community, with the majority of homes destroyed in such community, with discrete assessments on flood, wildfire, and earthquake events; and

(2) make recommendations for legislative changes needed to address the challenges described in paragraph (1).

(b) REPORT TO CONGRESS.—Upon completion of the activities carried out under subsection (a), the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report containing the study and recommendations required under subsection (a).

#### SEC. 9. FUNDING FOR ONLINE GUIDES FOR POST-DISASTER ASSISTANCE.

(a) USE OF SERVICES OF OTHER AGENCIES.—Section 201(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131(a)) is amended—

(1) in paragraph (7), by striking the period at the end and inserting “; and”; and

(2) by adding at the end the following:

“(8) post-disaster assistance.”.

(b) FUNDING FOR ONLINE GUIDES FOR ASSISTANCE.—Section 201 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131) is amended by adding at the end the following:

“(e) FUNDING FOR ONLINE GUIDES FOR ASSISTANCE.—

“(1) IN GENERAL.—The Administrator of the Federal Emergency Management Agency may enter into a cooperative agreement to provide funding to a State agency established under subsection (c) to establish and operate a website to provide information relating to post-disaster recovery funding and resources to a community or an individual impacted by a major disaster or emergency.

“(2) MANAGEMENT.—A website created under this subsection shall be—

“(A) managed by the State agency; and

“(B) suitable for the residents of the State of the State agency.

“(3) CONTENT.—The Administrator may enter into a cooperative agreement to establish a website under this subsection only to provide 1 or more of the following:

“(A) A list of Federal, State, and local sources of post-disaster recovery funding or assistance that may be available to a community after a major disaster or emergency.

“(B) A list of Federal, State, and local sources of post-disaster recovery funding or assistance that may be available to an individual impacted by a major disaster or emergency.

“(C) A technical guide that lists and explains the costs and benefits of alternatives available to a community to mitigate the impacts of a major disaster or emergency and prepare for sequential hazards such as flooding after a wildfire.

“(4) COOPERATION.—A State agency that enters into a cooperative agreement under this subsection shall cooperate with the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Housing and Urban Development, the Administrator of the Small Business Administration, and the Administrator of the Federal Emergency Management Agency in developing a website under this subsection.

“(5) UPDATES.—A State agency that receives funding to establish a website under this subsection shall update the website not less than once every 6 years.”.

#### SEC. 10. INDIVIDUAL ASSISTANCE DASHBOARD.

Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended by adding at the end the following:

##### “SEC. 431. INDIVIDUAL ASSISTANCE DASHBOARD.

“(a) IN GENERAL.—Not later than 30 days after a declaration by the President that a major disaster exists under section 401, the Administrator of the Federal Emergency Management Agency shall publish on a website of the Agency an interactive web tool displaying the following information with respect to such disaster:

“(1) The number of applications for assistance under section 408, including a description of the number of applications for assistance related to housing under such section and the number of applications for assistance to address other needs under section 408(e).

“(2) The number of applications for such assistance that are approved.

“(3) The number of applications for such assistance that are denied.

“(4) A ranked list of the reasons for the denial of such applications, including the number of applications for each reason for denial.

“(5) The dollar amount of assistance provided pursuant to section 408 to—

“(A) property owners; and

“(B) renters.

“(6) The estimated percentage of residential property that was destroyed as a result of the major disaster.

“(b) PERSONALLY IDENTIFIABLE INFORMATION.—The Administrator shall ensure that none of the information published under subsection (a) contains the personally identifiable information of an applicant.”.

#### SEC. 11. FEMA REPORTS.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Government Affairs of the Senate a report with respect to fiscal year 2016 through the most recent fiscal year ending before the date of enactment of this Act, and an annual report for any fiscal year beginning on or after the date of enactment of this Act, describing—

(1) the average amount of individual assistance and individual and household assistance provided under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) to, and the rate of denial of individual assistance and individual and household assistance provided under such section for—

- (A) all individuals;
  - (B) households;
  - (C) individuals and households with an annual income under 75 percent of the national median household income;
  - (D) individuals with an annual income over 125 percent of the national median household income; and
  - (E) individuals with an annual income between 75 percent and 125 percent of the national median household income; and
- (2) an explanation for any factors causing an increase in the rate of denial of the assistance described in paragraph (1), if applicable.

#### **SEC. 12. SHELTERING OF EMERGENCY RESPONSE PERSONNEL.**

Section 403 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b) is amended by adding at the end the following:

##### **“(e) SHELTERING OF EMERGENCY RESPONSE PERSONNEL.—**

“(1) IN GENERAL.—For any major disaster for which the President has authorized emergency protective measures for an area within the jurisdiction of a State, tribal, or local government, the Administrator may reimburse the State, tribal, or local government for costs relating to sheltering emergency response personnel, including individuals that are a part of the same predisaster household as such personnel, in exclusive-use congregate or non-congregate settings if the Governor of the State or chief executive of the tribal or local government determines that the damage or disruption to such area is of such a magnitude as to disrupt the provision of emergency protective measures within such area.

##### **“(2) LIMITATION OF ASSISTANCE.—**

“(A) IN GENERAL.—The Administrator may only reimburse a State, tribal, or local government for the costs of sheltering emergency response personnel under paragraph (1) for such a period of time as the Administrator determines reasonable based in the individual characteristics of and impacts to the affected area, including the extent of damage, the availability of alternative housing options, the availability of utilities, and disruptions to transportation infrastructure.

“(B) MAXIMUM DURATION OF REIMBURSEMENT.—The period of reimbursement under subparagraph (A) may not exceed the 6-month period beginning on the date on which the incident period ends.

“(3) DEFINITION.—In this subsection, the term ‘emergency response personnel’ means—

“(A) employees or contracted employees providing law enforcement, fire suppression, rescue, emergency medical, emergency management, or emergency communications services; and

“(B) elected officials, except members of Congress, responsible for the overseeing or directing emergency response operations or recovery activities.”.

#### **SEC. 13. DUPLICATION OF BENEFITS.**

Section 312(b)(4) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155(b)(4)) is amended by adding at the end the following:

“(D) LIMITATION ON USE OF INCOME CRITERIA.—In carrying out subparagraph (A), the President may not impose additional income criteria on a potential grant recipient who has accepted a qualified disaster loan in determining eligibility for duplications of benefit relief.”.

#### **SEC. 14. GAO REPORT ON PRELIMINARY DAMAGE ASSESSMENTS.**

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the practices, including the accuracy of such practices, that the Federal Emergency Management Agency uses when conducting preliminary damage assessments for the purposes of providing assistance under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174).

(b) CONTENTS.—The Comptroller General shall include in the study conducted under subsection (a) the following:

- (1) A comparison of the process and procedures used by the Federal Emergency Management Agency to complete preliminary damage assessments to the process and procedures used by private insurance companies following a major disaster.



(2) A review of training provided to individuals conducting preliminary damage assessments.

(3) A comparison of damage estimates for homes owned by individuals above the national median income to homes owned by individuals at or below the national median income.

#### SEC. 15. APPLICABILITY.

The amendments made by sections 4, 5, 7, 9, and 12 shall only apply to amounts appropriated on or after the date of enactment of this Act.

### PURPOSE OF LEGISLATION

The purpose of H.R. 8416, as amended, is to improve individual assistance provided by the Federal Emergency Management Agency (FEMA) so it is more accessible to disaster survivors.

### BACKGROUND AND NEED FOR LEGISLATION

H.R. 8416, as amended, includes a series of significant reforms designed to make federal disaster assistance more accessible to disaster survivors. Currently, disaster survivors navigate a network of federal bureaucracy to request disaster assistance, which is provided by a myriad of federal agencies.<sup>1</sup>

This legislation directs FEMA to develop a universal application for federal disaster assistance for individuals in areas impacted by federally declared emergencies or disasters and to maintain a webpage at [disasterassistance.gov](https://disasterassistance.gov). This website is intended to serve as an access point for disaster assistance applications offered by federal agencies and state entities that administer block grant assistance. The bill does not authorize FEMA to solely author the applications of other federal agencies or state entities. This legislation authorizes federal agencies and states that administer block grant assistance to share disaster survivor information if data privacy and security standards specified are followed for the purposes of implementing a shared application process. No provision in this legislation intends to restrict or prohibit a federal agency or state entity that administers block grant assistance from sharing the data that they are authorized to collect in accordance with their existing authorities.

Section 408 of the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* (*Stafford Act*, P.L. 93–288, as amended) is amended by removing the requirement that households must be rendered uninhabitable by a major disaster to be eligible for financial assistance, including hazard mitigation assistance. This is intended to expand access to individual assistance and make disaster damaged households more resilient.

Witnesses have testified to the Subcommittee on Economic Development, Public Buildings, and Emergency Management that FEMA's current post-disaster sheltering and temporary housing so-

<sup>1</sup> According to CRS the federal agencies that provide federal disaster assistance to individuals include the Federal Emergency Management Agency (FEMA), the Small Business Administration (SBA), the United States Department of Housing and Urban Development (HUD), the United States Department of Agriculture, and the Internal Revenue Service (IRS). CRS. *Federal Disaster Assistance Response and Recovery Programs*. July 25, 2019. Available at: [https://www.everycrsreport.com/files/20190725\\_RL31734\\_d7a05762819afa3984c36bd17935670a7cae6097.pdf](https://www.everycrsreport.com/files/20190725_RL31734_d7a05762819afa3984c36bd17935670a7cae6097.pdf).

lutions are not cost-effective or administered fairly.<sup>2</sup> For example, the taxpayer may double pay—first for a temporary repair or sheltering through FEMA’s assistance, and again for a permanent repair through other federal assistance. Section 408 of the *Stafford Act* is also amended to make assistance more accessible and expand FEMA’s authority to provide innovative post-disaster housing solutions. This legislation authorizes FEMA to provide direct assistance to individuals and households to repair owner occupied residences damaged by a major disaster and/or rendered inaccessible for individuals with disabilities, and FEMA is authorized to revive the State-Managed Housing Pilot Authority created by the *Disaster Recovery and Reform Act (DRRA)*, Div. D of P.L. 115–254) and remove burdensome requirements for states.

States, local governments, and non-profits that administer disaster relief may be eligible for FEMA reimbursement. Non-profits have reported to the subcommittee that the management costs to administer disaster relief are overly burdensome and a deterrence to offering such assistance. This legislation expands FEMA’s reimbursement authority by allowing the agency to provide grantees and subgrantees management cost reimbursement for efforts including crisis counseling assistance and case management services. The legislation also authorizes FEMA to reimburse states for providing short-term sheltering to emergency response personnel and their families if they are implementing post-disaster emergency protective measures and for establishing a website with information on available disaster recovery assistance.

Finally, the legislation requires FEMA and the Government Accountability Office (GAO) to complete a series of reports and studies that would identify possible barriers to assistance in the administration of post-disaster housing programs.

#### HEARINGS

For the purposes of rule XIII, clause 3(c)(6)(A) of the 117th Congress, the following hearings were used to develop or consider H.R. 8416:

On October 26, 2021, the Subcommittee on Economic Development, Public Buildings, and Emergency Assistance held a hearing titled, “Are FEMA’s Assistance Programs Adequately Designed to Assist Communities Before, During, and After Wildfire?” The Subcommittee received testimony from Mr. Andrew Phelps, Director, Office of Emergency Management, State of Oregon, *on behalf of the National Emergency Management Association*; Mr. Rich Elliott, Deputy Chief, Kittitas Valley Fire and Rescue, State of Washington, *on behalf of the International Association of Fire Chiefs*; Ms. Kacey KC, State Forester and Firewarden, Division of Forestry, State of Nevada; and Mr. Casey Hatcher, Deputy Chief Administrative Officer, Butte County, California.

The Subcommittee heard from witnesses with expertise and experience in emergency management, wildfire suppression, and federal disaster response and recovery programs.

<sup>2</sup>Subcommittee on Economic Development, Public Buildings, and Emergency Management. Hearing titled “Are FEMA’s Assistance Programs Adequately Designed to Assist Communities Before, During, and After Wildfire?” October, 26, 2021.

On February 16, 2022, the Subcommittee on Economic Development, Public Buildings, and Emergency Assistance held a hearing titled “FEMA Priorities for 2022: Stakeholder Perspectives.” The Subcommittee received testimony from Mr. Chris Currie, Director, Homeland Security and Justice, U.S. Government Accountability Office; Ms. Erica Bornemann, Director, Vermont Emergency Management, *on behalf of the National Emergency Management Association*; and Ms. Carolyn Harshman, President, International Association of Emergency Managers.

This hearing allowed Members to receive testimony from witnesses who are emergency management experts and represent key external FEMA stakeholders to gauge their perspective regarding what efforts the agency should prioritize in this year.

On April 5, 2022, the Subcommittee on Economic Development, Public Buildings, and Emergency Assistance held a hearing titled, “FEMA Priorities for 2022 and the 2022–2026 Strategic Plan.” The Subcommittee received testimony from the Hon. Deanne Criswell, Administrator, FEMA, U.S. Department of Homeland Security.

#### LEGISLATIVE HISTORY AND CONSIDERATION

H.R. 8416 was introduced in the House on July 19, 2022, by Ms. Titus of Nevada, Mr. Graves of Louisiana, Miss González-Colón of Puerto Rico, and Mr. Carter of Louisiana and referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Financial Services, and Small Business. Within the Committee on Transportation and Infrastructure, H.R. 8416 was referred to the Subcommittee on Economic Development, Public Buildings, and Emergency Management.

The Subcommittee on Economic Development, Public Buildings, and Emergency Management was discharged from further consideration of H.R. 8416 on July 20, 2022.

The Committee considered H.R. 8416 on July 20, 2022, and ordered the measure to be favorably reported to the House, as amended, by voice vote.

The following amendments were offered:

Manager’s amendment to H.R. 8416 offered by Mr. DeFazio (#1); was AGREED TO by voice vote.

Page 3, line 9, insert “or an applicant for a disaster assistance program” after “agency”. Page 3, line 17, strike “Secretary of Commerce” and insert “Administrator”. Page 4, line 11, insert “maintenance,” after “collection,”. Page 7, beginning on line 8, strike “only as provided under” and insert “in compliance with”. Page 10, line 2, strike “and”. Page 10, after line 2, insert the following (and redesignate the subsequent subparagraph accordingly): (D) the Department of Agriculture; and. Page 23, line 22, strike “all individuals and”. Page 26, line 3, insert “emergency management,” after “emergency medical,”

An amendment to H.R. 8416 offered by Mr. Rouzer (#2); was WITHDRAWN.

Add at the end the following: Sec. \_\_\_\_ . Natural Disaster Recovery Program

An amendment to H.R. 8416 offered by Mr. Graves of Louisiana (#3); was WITHDRAWN.

Page 12, after line 16, insert the following: (d) Civil Penalties for Identity Theft Under the Stafford Act

An en bloc amendment to H.R. 8416 offered by Mr. Perry; was AGREED TO by voice vote.

(#4) Page 22, line 15, insert “, including the number of applications for each reason for denial” before the period

(#6) Page 6, after line 16, insert the following: (4) GAO Review of Waiver of Information Collection Requirements

(#7) Page 26, line 5, insert “, except members of Congress,” after “elected officials”

An amendment to H.R. 8416 offered by Mr. Perry (#8); was WITHDRAWN.

Page 2, line 17, strike “equitably”

An amendment to H.R. 8416 offered by Mr. Graves of Louisiana (#5); was WITHDRAWN.

Page 12, after line 16, insert the following: (d) GAO Assessment on Identity Theft and Disaster Fraud in Disaster Assistance Programs

#### COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against.

No record votes were requested during consideration of H.R. 8416.

#### COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee’s oversight findings and recommendations are reflected in this report.

#### NEW BUDGET AUTHORITY AND TAX EXPENDITURES

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. The Chairman of the Committee shall cause such estimate and statement to be printed in the *Congressional Record* upon its receipt by the Committee.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not made available to the Committee in time for the filing of this report. The Chairman of

the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

#### PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to provide improvements to federal post disaster assistance programs for survivors.

#### DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 8416, as amended, establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

#### FEDERAL MANDATES STATEMENT

An estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

#### PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee finds that H.R. 8416, as amended, does not preempt any state, local, or tribal law.

#### ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

#### APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

## SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

*Section 1. Title*

This section provides that this bill may be cited as the “*Disaster Survivors Fairness Act of 2022*”.

*Section. 2. Information sharing for federal agencies*

This section amends the *Stafford Act* by adding section 707, which streamlines information sharing authorities by exempting data sharing between disaster relief agencies from requirements established by the Privacy Act of 1974 and the Paperwork Reduction Act of 1980. It additionally directs the Administrator of the Federal Emergency Management Agency (FEMA) to establish and maintain a Web-based, interagency electronic information system titled DisasterAssistance.gov.

*Section. 3. Universal application for individual assistance*

This section directs the Administrator of FEMA to develop a universal application for federal disaster assistance for individuals in areas impacted by emergencies or major disasters.

*Section. 4. Repair and rebuilding*

This section amends section 408(b)(1) of the *Stafford Act* by removing the requirement that households must be rendered uninhabitable by a major disaster to be eligible for hazard mitigation assistance. Section 408 is amended by making households that have been damaged by a major disaster eligible for housing assistance, other needs assistance, and hazard mitigation assistance.

*Section. 5. Direct assistance*

This section amends section 402(c)(2) of the *Stafford Act* by authorizing the President to provide direct assistance to individuals and households if applicants are unable to make use of financial assistance for repairs and when there is a lack of available resources for the repair of owner-occupied residences. Direct assistance may be used to repair owner occupied residences damaged by a major disaster, rendered inaccessible for individuals with disabilities, and to carry-out eligible hazard mitigation measures that reduce the likelihood of future damage.

*Section. 6. State-Managed Housing Pilot Authority*

This section gives the Administrator of FEMA the authority to implement the State-Managed Housing Pilot Authority until the issuance of final regulations. This program, created by the Disaster Recovery Reform Act of 2018, sunset in 2020. This section revives the program, removes requirements for states administering housing programs by striking section 408(f)(3)(F) of the *Stafford Act*, and implements a 25 percent non-federal cost share to create consistency with other programs across disaster preparedness, mitigation, response, and recovery.

*Section. 7. Management costs for individual assistance*

This section authorizes FEMA to provide grantees under section 408(f) of the *Stafford Act* and subgrantees under sections 416 and 426 of the *Stafford Act* reimbursement for management costs. This

includes reimbursement for efforts to provide crisis counseling assistance and case management services.

*Section. 8. Individual assistance post-disaster housing study*

This section directs the Administrator of FEMA to conduct a study and develop a plan that will address challenges with providing housing assistance to survivors of disasters. Specifically, the Administrator is directed to consider the presence of multiple families in a single household and disasters that destroy most homes in a community.

*Section. 9. Funding for post-disaster online guides*

This section authorizes the Administrator of FEMA to enter into a cooperative agreement with a state agency for the purposes of establishing and operating a website to provide information related to disaster recovery.

*Section. 10. Individual assistance dashboard*

This section directs the Administrator of FEMA to publish an online web tool for each major disaster declaration that displays the number of individual assistance applications received, the number of applications approved and denied, a ranked list of the reasons for denials, the total dollar amount of assistance provided to property owners and renters, and the percentage of housing stock destroyed.

This section also directs the Administrator of FEMA to submit a report to the Committee on Transportation and Infrastructure and the Committee on Homeland Security and Government Affairs on the average amount of Individual Assistance received by households at various income levels.

*Section. 12. Sheltering of emergency response personnel*

This section amends section 403 of the *Stafford Act* to give the Administrator of FEMA the authority to reimburse states for costs to shelter emergency response personnel.

*Section. 13. Duplication of benefits*

This section amends section 312(b)(4) of the *Stafford Act* to clarify that the President may not impose additional income criteria on eligible disaster relief grant recipients that have also accepted a qualified disaster loan.

*Section. 14. GAO Report on preliminary damage assessments*

This section directs the GAO to study the accuracy and fairness of FEMA's practices when conducting preliminary damage assessments for the purposes of providing assistance under section 408 of the *Stafford Act*.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

**ROBERT T. STAFFORD DISASTER RELIEF AND  
EMERGENCY ASSISTANCE ACT**

\* \* \* \* \*

**TITLE II—DISASTER PREPAREDNESS  
AND MITIGATION ASSISTANCE**

## FEDERAL AND STATE DISASTER PREPAREDNESS PROGRAMS

SEC. 201. (a) The President is authorized to establish a program of disaster preparedness that utilizes services of all appropriate agencies and includes—

- (1) preparation of disaster preparedness plans for mitigation, warning, emergency operations, rehabilitation, and recovery;
- (2) training and exercises;
- (3) postdisaster critiques and evaluations;
- (4) annual review of programs;
- (5) coordination of Federal, State, and local preparedness programs;
- (6) application of science and technology;
- (7) research[.]; and
- (8) *post-disaster assistance*.

(b) The President shall provide technical assistance to the States in developing comprehensive plans and practicable programs for preparation against disasters, including hazard reduction, avoidance, and mitigation; for assistance to individuals, businesses, and State and local governments following such disasters; and for recovery of damaged or destroyed public and private facilities.

(c) Upon application by a State, the President is authorized to make grants, not to exceed in the aggregate to such State \$250,000, for the development of plans, programs, and capabilities for disaster preparedness and prevention. Such grants shall be applied for within one year from the date of enactment of this Act. Any State desiring financial assistance under this section shall designate or create an agency to plan and administer such a disaster preparedness program, and shall, through such agency, submit a State plan to the President, which shall—

- (1) set forth a comprehensive and detailed State program for preparation against and assistance following, emergencies and major disasters, including provisions for assistance to individuals, businesses, and local governments; and
- (2) include provisions for appointment and training of appropriate staffs, formulation of necessary regulations and procedures and conduct of required exercises.



(d) The President is authorized to make grants not to exceed 50 per centum of the cost of improving, maintaining and updating State disaster assistance plans, including evaluations of natural hazards and development of the programs and actions required to mitigate such hazards, except that no such grant shall exceed \$50,000 per annum to any State.

(e) *FUNDING FOR ONLINE GUIDES FOR ASSISTANCE.*—

(1) *IN GENERAL.*—*The Administrator of the Federal Emergency Management Agency may enter into a cooperative agreement to provide funding to a State agency established under subsection (c) to establish and operate a website to provide information relating to post-disaster recovery funding and resources to a community or an individual impacted by a major disaster or emergency.*

(2) *MANAGEMENT.*—*A website created under this subsection shall be—*

(A) *managed by the State agency; and*

(B) *suitable for the residents of the State of the State agency.*

(3) *CONTENT.*—*The Administrator may enter into a cooperative agreement to establish a website under this subsection only to provide 1 or more of the following:*

(A) *A list of Federal, State, and local sources of post-disaster recovery funding or assistance that may be available to a community after a major disaster or emergency.*

(B) *A list of Federal, State, and local sources of post-disaster recovery funding or assistance that may be available to an individual impacted by a major disaster or emergency.*

(C) *A technical guide that lists and explains the costs and benefits of alternatives available to a community to mitigate the impacts of a major disaster or emergency and prepare for sequential hazards such as flooding after a wildfire.*

(4) *COOPERATION.*—*A State agency that enters into a cooperative agreement under this subsection shall cooperate with the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Housing and Urban Development, the Administrator of the Small Business Administration, and the Administrator of the Federal Emergency Management Agency in developing a website under this subsection.*

(5) *UPDATES.*—*A State agency that receives funding to establish a website under this subsection shall update the website not less than once every 6 years.*

\* \* \* \* \*

### **TITLE III—MAJOR DISASTER AND EMERGENCY ASSISTANCE ADMINIS- TRATION**

\* \* \* \* \*

**SEC. 312. DUPLICATION OF BENEFITS.**

(a) **GENERAL PROHIBITION.**—The President, in consultation with the head of each Federal agency administering any program providing financial assistance to persons, business concerns, or other entities suffering losses as a result of a major disaster or emergency, shall assure that no such person, business concern, or other entity will receive such assistance with respect to any part of such loss as to which he has received financial assistance under any other program or from insurance or any other source.

(b) **SPECIAL RULES.**—

(1) **LIMITATION.**—This section shall not prohibit the provision of Federal assistance to a person who is or may be entitled to receive benefits for the same purposes from another source if such person has not received such other benefits by the time of application for Federal assistance and if such person agrees to repay all duplicative assistance to the agency providing the Federal assistance.

(2) **PROCEDURES.**—The President shall establish such procedures as the President considers necessary to ensure uniformity in preventing duplication of benefits.

(3) **EFFECT OF PARTIAL BENEFITS.**—Receipt of partial benefits for a major disaster or emergency shall not preclude provision of additional Federal assistance for any part of a loss or need for which benefits have not been provided.

(4) **WAIVER OF GENERAL PROHIBITION.**—

(A) **IN GENERAL.**—The President may waive the general prohibition provided in subsection (a) upon request of a Governor on behalf of the State or on behalf of a person, business concern, or any other entity suffering losses as a result of a major disaster or emergency, if the President finds such waiver is in the public interest and will not result in waste, fraud, or abuse. In making this decision, the President may consider the following:

(i) The recommendations of the Administrator of the Federal Emergency Management Agency made in consultation with the Federal agency or agencies administering the duplicative program.

(ii) If a waiver is granted, the assistance to be funded is cost effective.

(iii) Equity and good conscience.

(iv) Other matters of public policy considered appropriate by the President.

(B) **GRANT OR DENIAL OF WAIVER.**—A request under subparagraph (A) shall be granted or denied not later than 45 days after submission of such request.

(C) **PROHIBITION ON DETERMINATION THAT LOAN IS A DUPLICATION.**—Notwithstanding subsection (c), in carrying out subparagraph (A), the President may not determine that a loan is a duplication of assistance, provided that all Federal assistance is used toward a loss suffered as a result of the major disaster or emergency.

(D) **LIMITATION ON USE OF INCOME CRITERIA.**—*In carrying out subparagraph (A), the President may not impose additional income criteria on a potential grant recipient*

*who has accepted a qualified disaster loan in determining eligibility for duplications of benefit relief.*

(c) **RECOVERY OF DUPLICATIVE BENEFITS.**—A person receiving Federal assistance for a major disaster or emergency shall be liable to the United States to the extent that such assistance duplicates benefits available to the person for the same purpose from another source. The agency which provided the duplicative assistance shall collect such duplicative assistance from the recipient in accordance with chapter 37 of title 31, United States Code, relating to debt collection, when the head of such agency considers it to be in the best interest of the Federal Government.

(d) **ASSISTANCE NOT INCOME.**—Federal major disaster and emergency assistance provided to individuals and families under this Act, and comparable disaster assistance provided by States, local governments, and disaster assistance organizations, shall not be considered as income or a resource when determining eligibility for or benefit levels under federally funded income assistance or resource-tested benefit programs.

\* \* \* \* \*

#### **SEC. 324. MANAGEMENT COSTS.**

(a) **DEFINITION OF MANAGEMENT COST.**—In this section, the term “management cost” includes any indirect cost, any direct administrative cost, and any other administrative expense associated with a specific project under a major disaster, emergency, or disaster preparedness or mitigation activity or measure.

(b) **ESTABLISHMENT OF MANAGEMENT COST RATES.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law (including any administrative rule or guidance), the President shall by regulation implement management cost rates, for grantees and subgrantees, that shall be used to determine contributions under this Act for management costs.

(2) **SPECIFIC MANAGEMENT COSTS.**—The Administrator of the Federal Emergency Management Agency shall provide the following percentage rates, in addition to the eligible project costs, to cover direct and indirect costs of administering the following programs:

(A) **HAZARD MITIGATION.**—A grantee under section 404 may be reimbursed not more than 15 percent of the total amount of the grant award under such section of which not more than 10 percent may be used by the grantee and 5 percent by the subgrantee for such costs.

(B) **PUBLIC ASSISTANCE.**—A grantee under sections 403, 406, 407, and 502 may be reimbursed not more than 12 percent of the total award amount under such sections, of which not more than 7 percent may be used by the grantee and 5 percent by the subgrantee for such costs.

(C) **INDIVIDUAL ASSISTANCE.**—A grantee under section 408(f) may be reimbursed not more than 12 percent of the total award amount under each such section.

(D) **CRISIS COUNSELING ASSISTANCE, TRAINING, AND CASE MANAGEMENT SERVICES.**—A grantee and subgrantee, cumulatively, may be reimbursed not more than 15 percent of the total amount of the grant award under either section 416 or 426.

(c) REVIEW.—The President shall review the management cost rates established under subsection (b) not later than 3 years after the date of establishment of the rates and periodically thereafter.

\* \* \* \* \*

## TITLE IV—MAJOR DISASTER ASSISTANCE PROGRAMS

\* \* \* \* \*

### SEC. 403. ESSENTIAL ASSISTANCE.

(a) IN GENERAL.—Federal agencies may on the direction of the President, provide assistance essential to meeting immediate threats to life and property resulting from a major disaster, as follows:

(1) FEDERAL RESOURCES, GENERALLY.—Utilizing, lending, or donating to State and local governments Federal equipment, supplies, facilities, personnel, and other resources, other than the extension of credit, for use or distribution by such governments in accordance with the purposes of this Act.

(2) MEDICINE, FOOD, AND OTHER CONSUMABLES.—Distributing or rendering through State and local governments, the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief and disaster assistance organizations medicine durable medical equipment,, food, and other consumable supplies, and other services and assistance to disaster victims.

(3) WORK AND SERVICES TO SAVE LIVES AND PROTECT PROPERTY.—Performing on public or private lands or waters any work or services essential to saving lives and protecting and preserving property or public health and safety, including—

(A) debris removal;

(B) search and rescue, emergency medical care, emergency mass care, emergency shelter, and provision of food, water, medicinedurable medical equipment,, and other essential needs, including movement of supplies or persons;

(C) clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential community services;

(D) provision of temporary facilities for schools and other essential community services;

(E) demolition of unsafe structures which endanger the public;

(F) warning of further risks and hazards;

(G) dissemination of public information and assistance regarding health and safety measures;

(H) provision of technical advice to State and local governments on disaster management and control;

(I) reduction of immediate threats to life, property, and public health and safety; and

(J) provision of rescue, care, shelter, and essential needs—

(i) to individuals with household pets and service animals; and

(ii) to such pets and animals.

(4) CONTRIBUTIONS.—Making contributions to State or local governments or owners or operators of private nonprofit facilities for the purpose of carrying out the provisions of this subsection.

(b) FEDERAL SHARE.—The Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of such assistance.

(c) UTILIZATION OF DOD RESOURCES.—

(1) GENERAL RULE.—During the immediate aftermath of an incident which may ultimately qualify for assistance under this title or title V of this Act, the Governor of the State in which such incident occurred may request the President to direct the Secretary of Defense to utilize the resources of the Department of Defense for the purpose of performing on public and private lands any emergency work which is made necessary by such incident and which is essential for the preservation of life and property. If the President determines that such work is essential for the preservation of life and property, the President shall grant such request to the extent the President determines practicable. Such emergency work may only be carried out for a period not to exceed 10 days.

(2) RULES APPLICABLE TO DEBRIS REMOVAL.—Any removal of debris and wreckage carried out under this subsection shall be subject to section 407(b), relating to unconditional authorization and indemnification for debris removal.

(3) EXPENDITURES OUT OF DISASTER RELIEF FUNDS.—The cost of any assistance provided pursuant to this subsection shall be reimbursed out of funds made available to carry out this Act.

(4) FEDERAL SHARE.—The Federal share of assistance under this subsection shall be not less than 75 percent.

(5) GUIDELINES.—Not later than 180 days after the date of the enactment of the Disaster Relief and Emergency Assistance Amendments of 1988, the President shall issue guidelines for carrying out this subsection. Such guidelines shall consider any likely effect assistance under this subsection will have on the availability of other forms of assistance under this Act.

(6) DEFINITIONS.—For purposes of this section—

(A) DEPARTMENT OF DEFENSE.—The term “Department of Defense” has the meaning the term “department” has under section 101 of title 10, United States Code.

(B) EMERGENCY WORK.—The term “emergency work” includes clearance and removal of debris and wreckage and temporary restoration of essential public facilities and services.

(d) SALARIES AND BENEFITS.—

(1) IN GENERAL.—If the President declares a major disaster or emergency for an area within the jurisdiction of a State, tribal, or local government, the President may reimburse the State, tribal, or local government for costs relating to—

(A) basic pay and benefits for permanent employees of the State, tribal, or local government conducting emergency protective measures under this section, if—

(i) the work is not typically performed by the employees; and

(ii) the type of work may otherwise be carried out by contract or agreement with private organizations, firms, or individuals.; or

(B) overtime and hazardous duty compensation for permanent employees of the State, tribal, or local government conducting emergency protective measures under this section.

(2) OVERTIME.—The guidelines for reimbursement for costs under paragraph (1) shall ensure that no State, tribal, or local government is denied reimbursement for overtime payments that are required pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

(3) NO EFFECT ON MUTUAL AID PACTS.—Nothing in this subsection shall affect the ability of the President to reimburse labor force expenses provided pursuant to an authorized mutual aid pact.

(e) *SHELTERING OF EMERGENCY RESPONSE PERSONNEL.*—

(1) *IN GENERAL.*—*For any major disaster for which the President has authorized emergency protective measures for an area within the jurisdiction of a State, tribal, or local government, the Administrator may reimburse the State, tribal, or local government for costs relating to sheltering emergency response personnel, including individuals that are a part of the same predisaster household as such personnel, in exclusive-use congregate or non-congregate settings if the Governor of the State or chief executive of the tribal or local government determines that the damage or disruption to such area is of such a magnitude as to disrupt the provision of emergency protective measures within such area.*

(2) *LIMITATION OF ASSISTANCE.*—

(A) *IN GENERAL.*—*The Administrator may only reimburse a State, tribal, or local government for the costs of sheltering emergency response personnel under paragraph (1) for such a period of time as the Administrator determines reasonable based in the individual characteristics of and impacts to the affected area, including the extent of damage, the availability of alternative housing options, the availability of utilities, and disruptions to transportation infrastructure.*

(B) *MAXIMUM DURATION OF REIMBURSEMENT.*—*The period of reimbursement under subparagraph (A) may not exceed the 6-month period beginning on the date on which the incident period ends.*

(3) *DEFINITION.*—*In this subsection, the term “emergency response personnel” means—*

(A) *employees or contracted employees providing law enforcement, fire suppression, rescue, emergency medical, emergency management, or emergency communications services; and*

(B) *elected officials, except members of Congress, responsible for the overseeing or directing emergency response operations or recovery activities.*

\* \* \* \* \*

**SEC. 408. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.****(a) IN GENERAL.—**

(1) **PROVISION OF ASSISTANCE.**—In accordance with this section, the President, in consultation with the Governor of a State, may provide financial assistance, and, if necessary, direct services, to individuals and households in the State who, as a direct result of a major disaster, have necessary expenses and serious needs in cases in which the individuals and households are unable to meet such expenses or needs through other means.

(2) **RELATIONSHIP TO OTHER ASSISTANCE.**—Under paragraph (1), an individual or household shall not be denied assistance under paragraph (1), (3), or (4) of subsection (c) solely on the basis that the individual or household has not applied for or received any loan or other financial assistance from the Small Business Administration or any other Federal agency.

**(b) HOUSING ASSISTANCE.—**

(1) **ELIGIBILITY.**—The President may provide financial or other assistance under this section to individuals and households to respond to the disaster-related housing needs of individuals and households who are displaced from their predisaster primary residences or whose predisaster primary residences are ~~rendered uninhabitable~~ *damaged by a major disaster*, or with respect to individuals with disabilities, rendered inaccessible or ~~uninhabitable~~, as a result of damage caused by a major disaster *damaged by a major disaster*.

**(2) DETERMINATION OF APPROPRIATE TYPES OF ASSISTANCE.—**

(A) **IN GENERAL.**—The President shall determine appropriate types of housing assistance to be provided under this section to individuals and households described in subsection (a)(1) based on considerations of cost effectiveness, convenience to the individuals and households, and such other factors as the President may consider appropriate.

(B) **MULTIPLE TYPES OF ASSISTANCE.**—One or more types of housing assistance may be made available under this section, based on the suitability and availability of the types of assistance, to meet the needs of individuals and households in the particular disaster situation.

**(c) TYPES OF HOUSING ASSISTANCE.—****(1) TEMPORARY HOUSING.—****(A) FINANCIAL ASSISTANCE.—**

(i) **IN GENERAL.**—The President may provide financial assistance to individuals or households to rent alternate housing accommodations, existing rental units, manufactured housing, recreational vehicles, or other readily fabricated dwellings. Such assistance may include the payment of the cost of utilities, excluding telephone service.

(ii) **AMOUNT.**—The amount of assistance under clause (i) shall be based on the fair market rent for the accommodation provided plus the cost of any transportation, utility hookups, security deposits, or unit installation not provided directly by the President.

## (B) DIRECT ASSISTANCE.—

(i) IN GENERAL.—The President may provide temporary housing units, acquired by purchase or lease, directly to individuals or households who, because of a lack of available housing resources, would be unable to make use of the assistance provided under subparagraph (A).

(ii) LEASE AND REPAIR OF RENTAL UNITS FOR TEMPORARY HOUSING.—

(I) IN GENERAL.—The President, to the extent the President determines it would be a cost-effective alternative to other temporary housing options, may—

(aa) enter into lease agreements with owners of multifamily rental property impacted by a major disaster or located in areas covered by a major disaster declaration to house individuals and households eligible for assistance under this section; and

(bb) make repairs or improvements to properties under such lease agreements, to the extent necessary to serve as safe and adequate temporary housing.

(II) IMPROVEMENTS OR REPAIRS.—Under the terms of any lease agreement for property entered into under this subsection, the value of the improvements or repairs shall be deducted from the value of the lease agreement.

(iii) PERIOD OF ASSISTANCE.—The President may not provide direct assistance under clause (i) with respect to a major disaster after the end of the 18-month period beginning on the date of the declaration of the major disaster by the President, except that the President may extend that period if the President determines that due to extraordinary circumstances an extension would be in the public interest.

(iv) COLLECTION OF RENTAL CHARGES.—After the end of the 18-month period referred to in clause (iii), the President may charge fair market rent for each temporary housing unit provided.

**[(2) REPAIRS.—**

**[(A) IN GENERAL.—The President may provide financial assistance for—**

**[(i) the repair of owner-occupied private residences, utilities, and residential infrastructure (such as a private access route) damaged by a major disaster to a safe and sanitary living or functioning condition; and**

**[(ii) eligible hazard mitigation measures that reduce the likelihood of future damage to such residences, utilities, or infrastructure.**

**[(B) RELATIONSHIP TO OTHER ASSISTANCE.—A recipient of assistance provided under this paragraph shall not be required to show that the assistance can be met through other means, except insurance proceeds.]**

**(2) REPAIRS.—**



(A) *FINANCIAL ASSISTANCE FOR REPAIRS.*—*The President may provide financial assistance for the repair of owner-occupied private residences, utilities, and residential infrastructure (such as a private access route) damaged by a major disaster, or with respect to individuals with disabilities, rendered inaccessible by a major disaster.*

(B) *DIRECT ASSISTANCE FOR REPAIRS.*—

(i) *IN GENERAL.*—*The President may provide direct assistance to individuals and households who are unable to make use of financial assistance under subparagraph (A) and when there is a lack of available resources, for—*

*(I) the repair of owner-occupied private residences, utilities, and residential infrastructure (such as a private access route) damaged by a major disaster, or with respect to individuals with disabilities, rendered inaccessible by a disaster; and*

*(II) eligible hazard mitigation measures that reduce the likelihood and future damage to such residences, utilities, and infrastructure.*

(ii) *ELIGIBILITY.*—*A recipient of assistance under this subparagraph shall not be eligible for assistance under paragraph (1), unless otherwise determined by the Administrator.*

(C) *RELATIONSHIP TO OTHER ASSISTANCE.*—*A recipient of assistance provided under this paragraph shall not be required to show that the assistance can be met through other means, except insurance proceeds.*

(3) *REPLACEMENT.*—

(A) *IN GENERAL.*—*The President may provide financial assistance for the replacement of owner-occupied private residences damaged by a major disaster.*

(B) *APPLICABILITY OF FLOOD INSURANCE REQUIREMENT.*—*With respect to assistance provided under this paragraph, the President may not waive any provision of Federal law requiring the purchase of flood insurance as a condition of the receipt of Federal disaster assistance.*

(4) *PERMANENT HOUSING CONSTRUCTION.*—*The President may provide financial assistance or direct assistance to individuals or households to construct permanent or semi-permanent housing in insular areas outside the continental United States and in other locations in cases in which—*

*(A) no alternative housing resources are available; and*

*(B) the types of temporary housing assistance described in paragraph (1) are unavailable, infeasible, or not cost-effective.*

(5) *HAZARD MITIGATION.*—

(A) *IN GENERAL.*—*The President may provide financial assistance to individuals and households, whose primary residence, utilities, or residential infrastructure are damaged by a major disaster, for cost-effective hazard mitigation measures that reduce threats to life and property, or future damage to such residence, utilities, or infrastructure in future disasters.*

(B) *RELATIONSHIP TO OTHER ASSISTANCE.*—A recipient of assistance provided under this paragraph shall not be required to show that the assistance can be met through other means, except insurance proceeds.

(d) **TERMS AND CONDITIONS RELATING TO HOUSING ASSISTANCE.**—

(1) **SITES.**—

(A) **IN GENERAL.**—Any readily fabricated dwelling provided under this section shall, whenever practicable, be located on a site that—

- (i) is complete with utilities;
- (ii) meets the physical accessibility requirements for individuals with disabilities; and
- (iii) is provided by the State or local government, by the owner of the site, or by the occupant who was displaced by the major disaster.

(B) **SITES PROVIDED BY THE PRESIDENT.**—A readily fabricated dwelling may be located on a site provided by the President if the President determines that such a site would be more economical or accessible.

(2) **DISPOSAL OF UNITS.**—

(A) **SALE TO OCCUPANTS.**—

(i) **IN GENERAL.**—Notwithstanding any other provision of law, a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims may be sold directly to the individual or household who is occupying the unit if the individual or household lacks permanent housing.

(ii) **SALE PRICE.**—A sale of a temporary housing unit under clause (i) shall be at a price that is fair and equitable.

(iii) **DEPOSIT OF PROCEEDS.**—Notwithstanding any other provision of law, the proceeds of a sale under clause (i) shall be deposited in the appropriate Disaster Relief Fund account.

(iv) **HAZARD AND FLOOD INSURANCE.**—A sale of a temporary housing unit under clause (i) shall be made on the condition that the individual or household purchasing the housing unit agrees to obtain and maintain hazard and flood insurance on the housing unit.

(v) **USE OF GSA SERVICES.**—The President may use the services of the General Services Administration to accomplish a sale under clause (i).

(B) **OTHER METHODS OF DISPOSAL.**—If not disposed of under subparagraph (A), a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims—

- (i) may be sold to any person; or
- (ii) may be sold, transferred, donated, or otherwise made available directly to a State or other governmental entity or to a voluntary organization for the sole purpose of providing temporary housing to disaster victims in major disasters and emergencies if, as a condition of the sale, transfer, or donation, the State, other governmental agency, or voluntary organization agrees—

(I) to comply with the nondiscrimination provisions of section 308; and

(II) to obtain and maintain hazard and flood insurance on the housing unit.

(e) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—

(1) MEDICAL, DENTAL, CHILD CARE, AND FUNERAL EXPENSES.—The President, in consultation with the Governor of a State, may provide financial assistance under this section to an individual or household in the State who is adversely affected by a major disaster to meet disaster-related medical, dental, child care, and funeral expenses.

(2) PERSONAL PROPERTY, TRANSPORTATION, AND OTHER EXPENSES.—The President, in consultation with the Governor of a State, may provide financial assistance under this section to an individual or household described in paragraph (1) to address personal property, transportation, and other necessary expenses or serious needs resulting from the major disaster.

(f) STATE ROLE.—

(1) STATE- OR INDIAN TRIBAL GOVERNMENT-ADMINISTERED ASSISTANCE AND OTHER NEEDS ASSISTANCE.—

(A) GRANT TO STATE.—Subject to subsection (g), a Governor may request a grant from the President to provide assistance to individuals and households in the State under [subsections (c)(1)(B), (c)(4), and (e)] *paragraphs (1)(B), (2)(B), and (4) of subsection (c) and subsection (e)* if the President and the State or Indian tribal government comply, as determined by the Administrator, with paragraph (3).

(B) ADMINISTRATIVE COSTS.—A State that receives a grant under subparagraph (A) may expend not more than 5 percent of the amount of the grant for the administrative costs of providing assistance to individuals and households in the State under [subsections (c)(1)(B), (c)(4), and (e)] *paragraphs (1)(B), (2)(B), and (4) of subsection (c) and subsection (e)*.

(2) ACCESS TO RECORDS.—In providing assistance to individuals and households under this section, the President shall provide for the substantial and ongoing involvement of the States in which the individuals and households are located, including by providing to the States access to the electronic records of individuals and households receiving assistance under this section in order for the States to make available any additional State and local assistance to the individuals and households.

(3) REQUIREMENTS.—

(A) APPLICATION.—A State or Indian tribal government desiring to provide assistance under [subsection (c)(1)(B), (c)(4), or (e)] *paragraph (1)(B), (2)(B), or (4) of subsection (c) or subsection (e)* shall submit to the President an application for a grant to provide financial assistance under the program.

(B) CRITERIA.—The President, in consultation and coordination with State and Indian tribal governments, shall establish criteria for the approval of applications sub-

mitted under subparagraph (A). The criteria shall include, at a minimum—

(i) a requirement that the State or Indian tribal government submit a housing strategy under subparagraph (C);

(ii) the demonstrated ability of the State or Indian tribal government to manage the program under this section;

(iii) there being in effect a plan approved by the President as to how the State or Indian tribal government will comply with applicable Federal laws and regulations and how the State or Indian tribal government will provide assistance under its plan;

(iv) a requirement that the State or Indian tribal government comply with rules and regulations established pursuant to subsection (j); and

(v) a requirement that the President, or the designee of the President, comply with subsection (i).

(C) REQUIREMENT OF HOUSING STRATEGY.—

(i) IN GENERAL.—A State or Indian tribal government submitting an application under this paragraph shall have an approved housing strategy, which shall be developed and submitted to the President for approval.

(ii) REQUIREMENTS.—The housing strategy required under clause (i) shall—

(I) outline the approach of the State in working with Federal partners, Indian tribal governments, local communities, nongovernmental organizations, and individual disaster survivors to meet disaster-related sheltering and housing needs; and

(II) include the establishment of an activation plan for a State Disaster Housing Task Force, as outlined in the National Disaster Housing Strategy, to bring together State, tribal, local, Federal, nongovernmental, and private sector expertise to evaluate housing requirements, consider potential solutions, recognize special needs populations, and propose recommendations.

(D) QUALITY ASSURANCE.—Before approving an application submitted under this section, the President, or the designee of the President, shall institute adequate policies, procedures, and internal controls to prevent waste, fraud, abuse, and program mismanagement for this program and for programs under [subsections (c)(1)(B), (c)(4), and (e)] *paragraphs (1)(B), (2)(B), and (4) of subsection (c) and subsection (e)*. The President shall monitor and conduct quality assurance activities on a State or Indian tribal government's implementation of programs under [subsections (c)(1)(B), (c)(4), and (e)] *paragraphs (1)(B), (2)(B), and (4) of subsection (c) and subsection (e)*. If, after approving an application of a State or Indian tribal government submitted under this paragraph, the President determines that the State or Indian tribal government is not administering the program established by this section in a man-

ner satisfactory to the President, the President shall withdraw the approval.

(E) AUDITS.—The Inspector General of the Department of Homeland Security shall provide for periodic audits of the programs administered by States and Indian tribal governments under this subsection.

[(F)] APPLICABLE LAWS.—All Federal laws applicable to the management, administration, or contracting of the programs by the Federal Emergency Management Agency under this section shall be applicable to the management, administration, or contracting by a non-Federal entity under this section.]

[(G)] (F) REPORT ON EFFECTIVENESS.—Not later than 18 months after the date of enactment of this paragraph, the Inspector General of the Department of Homeland Security shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the State or Indian tribal government's role to provide assistance under this section. The report shall contain an assessment of the effectiveness of the State or Indian tribal government's role in providing assistance under this section, including—

(i) whether the State or Indian tribal government's role helped to improve the general speed of disaster recovery;

(ii) whether the State or Indian tribal government providing assistance under this section had the capacity to administer this section; and

(iii) recommendations for changes to improve the program if the State or Indian tribal government's role to administer the programs should be continued.

[(H)] (G) REPORT ON INCENTIVES.—Not later than 12 months after the date of enactment of this paragraph, the Administrator of the Federal Emergency Management Agency shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on a potential incentive structure for awards made under this section to encourage participation by eligible States and Indian tribal governments. In developing this report, the Administrator of the Federal Emergency Management Agency shall consult with State, local, and Indian tribal entities to gain their input on any such incentive structure to encourage participation and shall include this information in the report. This report should address, among other options, potential adjustments to the cost-share requirement and management costs to State and Indian tribal governments.

[(I)] (H) PROHIBITION.—The President may not condition the provision of Federal assistance under this Act on a State or Indian tribal government requesting a grant under this section.

[(J)] (I) MISCELLANEOUS.—

(i) NOTICE AND COMMENT.—The Administrator of the Federal Emergency Management Agency may waive notice and comment rulemaking with respect to rules to carry out this section, if the Administrator determines doing so is necessary to expeditiously implement this section, and may carry out this section as a pilot program until such regulations are promulgated.

(ii) FINAL RULE.—[Not later than 2 years after the date of enactment of this paragraph, the] *The* Administrator of the Federal Emergency Management Agency shall issue final regulations to implement this subsection as amended by the Disaster Recovery Reform Act of 2018.

(iii) WAIVER AND EXPIRATION.—The authority under clause (i) and any pilot program implemented pursuant to such clause shall expire [2 years after the date of enactment of this paragraph or] upon issuance of final regulations pursuant to clause (ii)[, whichever occurs sooner].

(g) COST SHARING.—

(1) FEDERAL SHARE.—Except as provided in [paragraph (2)] *paragraphs (2) and (3)*, the Federal share of the costs eligible to be paid using assistance provided under this section shall be 100 percent.

(2) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—In the case of financial assistance provided under subsection (e)—

(A) the Federal share shall be 75 percent; and

(B) the non-Federal share shall be paid from funds made available by the State.

(3) DISASTER ASSISTANCE.—*In the case of assistance provided under subsections (c)(1)(B), (c)(2)(B), and (c)(4), the Federal share shall be not less than 75 percent.*

(h) MAXIMUM AMOUNT OF ASSISTANCE.—

(1) IN GENERAL.—No individual or household shall receive financial assistance greater than \$25,000 under this section with respect to a single major disaster, excluding financial assistance to rent alternate housing accommodations under subsection (c)(1)(A)(i), *financial assistance for hazard mitigation under subsection (c)(5)(A)*, and financial assistance to address other needs under subsection (e).

(2) OTHER NEEDS ASSISTANCE.—The maximum financial assistance any individual or household may receive under subsection (e) shall be equivalent to the amount set forth in paragraph (1) with respect to a single major disaster.

(3) ADJUSTMENT OF LIMIT.—The limit established under paragraphs (1) and (2) shall be adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

(4) EXCLUSION OF NECESSARY EXPENSES FOR INDIVIDUALS WITH DISABILITIES.—

(A) IN GENERAL.—The maximum amount of assistance established under paragraph (1) shall exclude expenses to repair or replace damaged accessibility-related improvements under paragraphs (2), (3), and (4) of subsection (c) for individuals with disabilities.

(B) OTHER NEEDS ASSISTANCE.—The maximum amount of assistance established under paragraph (2) shall exclude expenses to repair or replace accessibility-related personal property under subsection (e)(2) for individuals with disabilities.

(5) HAZARD MITIGATION.—*The maximum financial assistance any individual or household may receive under subsection (c)(5) shall be equivalent to the amount set forth in paragraph (1) with respect to a single major disaster.*

(i) VERIFICATION MEASURES.—In carrying out this section, the President shall develop a system, including an electronic database, that shall allow the President, or the designee of the President, to—

(1) verify the identity and address of recipients of assistance under this section to provide reasonable assurance that payments are made only to an individual or household that is eligible for such assistance;

(2) minimize the risk of making duplicative payments or payments for fraudulent claims under this section;

(3) collect any duplicate payment on a claim under this section, or reduce the amount of subsequent payments to offset the amount of any such duplicate payment;

(4) provide instructions to recipients of assistance under this section regarding the proper use of any such assistance, regardless of how such assistance is distributed; and

(5) conduct an expedited and simplified review and appeal process for an individual or household whose application for assistance under this section is denied.

(j) RULES AND REGULATIONS.—The President shall prescribe rules and regulations to carry out this section, including criteria, standards, and procedures for determining eligibility for assistance.

\* \* \* \* \*

#### **SEC. 431. INDIVIDUAL ASSISTANCE DASHBOARD.**

(a) *IN GENERAL.*—Not later than 30 days after a declaration by the President that a major disaster exists under section 401, the Administrator of the Federal Emergency Management Agency shall publish on a website of the Agency an interactive web tool displaying the following information with respect to such disaster:

(1) *The number of applications for assistance under section 408, including a description of the number of applications for assistance related to housing under such section and the number of applications for assistance to address other needs under section 408(e).*

(2) *The number of applications for such assistance that are approved.*

(3) *The number of applications for such assistance that are denied.*

(4) *A ranked list of the reasons for the denial of such applications, including the number of applications for each reason for denial.*

(5) *The dollar amount of assistance provided pursuant to section 408 to—*

(A) *property owners; and*

(B) *renters.*

(6) *The estimated percentage of residential property that was destroyed as a result of the major disaster.*

(b) *PERSONALLY IDENTIFIABLE INFORMATION.—The Administrator shall ensure that none of the information published under subsection (a) contains the personally identifiable information of an applicant.*

\* \* \* \* \*



NYDIA M. VELAZQUEZ, NEW YORK  
CHAIRWOMAN

COMMITTEE CORRESPONDENCE

BLAINE LUETKEMEYER, MISSOURI  
RANKING MEMBER

**Congress of the United States**  
**U.S. House of Representatives**  
**Committee on Small Business**  
2361 Rayburn House Office Building  
Washington, DC 20515-6515

September 23, 2022

The Honorable Peter A. DeFazio  
Chairman  
Committee on Transportation and Infrastructure  
U.S. House of Representatives  
Washington, D.C. 20515

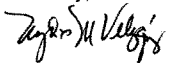
Dear Chairman DeFazio,

I am writing with respect to H.R. 8416, the "Disaster Survivors Fairness Act of 2022". Thank you for consulting with the Committee on Small Business regarding the matters in H.R. 8416 that fall within the Committee's jurisdiction.

As a result of your consultation with us on this measure and in order to expeditiously move the bill to the floor, I forego further consideration of H.R. 8416. The Committee on Small Business takes this action with our mutual understanding that we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and the Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues that fall within our jurisdiction. Further, I request your support for the appointment of an appropriate number of conferees from the Committee on Small Business during any House-Senate conference involving this or similar legislation.

Finally, I would appreciate your response to this letter confirming our understanding regarding H.R. 8416 and would ask that a copy of our exchange of letters on this matter be included in the Committee Report and the Congressional Record during floor consideration of the measure. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

Sincerely,



Nydia M. Velázquez  
Chairwoman



**Committee on Transportation and Infrastructure**  
**U.S. House of Representatives**  
**Washington DC 20515**

**Peter A. DeFazio**  
Chair

Katherine W. Dedrick  
Staff Director

**Sam Graves**  
Ranking Member

Jack Ruddy  
Republican Staff Director

September 26, 2022

The Honorable Nydia M. Velázquez  
Chairwoman, Committee on Small Business  
U.S. House of Representatives  
2361 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairwoman Velázquez:

Thank you for your letter regarding H.R. 8416, the *Disaster Survivors Fairness Act of 2022*. I appreciate your decision to waive formal consideration of the bill.

I agree that the Committee on Small Business has valid jurisdictional claims to certain provisions in this important legislation, and I further agree that by forgoing formal consideration of the bill, the Committee on Small Business is not waiving any jurisdiction over any relevant subject matter. Additionally, if requested I will support the appointment of conferees from the Committee on Small Business should a House-Senate conference be convened on this legislation. Finally, this exchange of letters will be included in the committee report and the *Congressional Record* when the bill is considered on the floor.

Thank you again, and I look forward to continuing to work collaboratively with the Committee on Small Business on this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter A. DeFazio".

Peter A. DeFazio  
Chair

cc: The Honorable Sam Graves  
The Honorable Blaine Luetkemeyer  
Mr. Jason Smith, Parliamentarian

MAXINE WATERS, CA  
CHAIRWOMAN

**United States House of Representatives**  
**Committee on Financial Services**  
2129 Rayburn House Office Building  
Washington, D.C. 20515

PATRICK MCHENRY, NC  
RANKING MEMBER

September 28, 2022

The Honorable Peter DeFazio  
Chairman  
House Committee on Transportation and Infrastructure  
2167 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman DeFazio:

I am writing to acknowledge your letter dated September 28, 2022, regarding the waiver by the Committee on Financial Services of any Rule X jurisdiction claims over the matters contained in H.R. 8416, the "Disaster Survivors Fairness Act of 2022." The Committee on Financial Services confirms our mutual understanding that our Committee does not waive any jurisdiction over the subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as this bill or similar legislation moves forward so that we may address any remaining issues within our jurisdiction.

The Committee on Financial Services further confirms our interest in appointment of outside conferees from the Committee should this bill or similar language be considered in a conference with the Senate.

We request that you ensure that this exchange of letters is included in the *Congressional Record* during Floor consideration of the bill. We look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,



MAXINE WATERS  
Chairwoman

Cc: The Honorable Patrick McHenry



Committee on Transportation and Infrastructure  
U.S. House of Representatives  
Washington DC 20515

Peter A. DeFazio  
Chair

Katherine W. Dedrick  
Staff Director

Sam Graves  
Ranking Member

Jack Ruddy  
Republican Staff Director

September 28, 2022

The Honorable Maxine Waters  
Chairwoman, Committee on Financial Services  
House of Representatives  
2129 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairwoman Waters:

Thank you for your letter regarding H.R. 8416, the *Disaster Survivors Fairness Act of 2022*. I appreciate your willingness to work cooperatively on this legislation.

I acknowledge that by foregoing formal consideration on H.R. 8416, the Committee on Financial Services does not waive any future jurisdictional claims to provisions in this or similar legislation, and that your Committee will be consulted and involved on any matters in your Committee's jurisdiction should this legislation move forward. In addition, should a conference on the bill be necessary, I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving provisions within this legislation on which the Committee on Financial Services has a valid jurisdictional claim.

I appreciate your cooperation regarding this legislation, and I will ensure that our exchange of letters is included in the *Congressional Record* during floor consideration of H.R. 8416.

Sincerely,

A handwritten signature in black ink, appearing to read "P. DeFazio".

Peter A. DeFazio  
Chair

cc: The Honorable Sam Graves  
The Honorable Patrick McHenry

